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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Andersen et al. )  
Serial No.: 09/872,623 )  
Filed: June 2, 2001 )  
For: ALPHA-FETOPROTEIN PEPTIDES )  
AND USES THEREOF )

Examiner: Brumback  
Art Unit: 1642

PETITION UNDER 37 C.F.R. §1.182 OR §1.183

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box DAC

Adjustment date: 12/23/2003 AKELLEY  
01/09/2002 CNGUYEN 00000032 09872623  
01 FC:122 -130.00 OP

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This is a Petition under 37 C.F.R. §1.182 for matters not otherwise provided for, or in the alternative, under 37 C.F.R. §1.183 for waiver or suspension of rules not otherwise provided for, for the above-identified application. More particularly, applicants petition the Commissioner to accord the subject application a filing date of June 1, 2001. This petition is accompanied by the fee required under 37 C.F.R. §1.17(h).

The subject application was delivered to the Patent and Trademark Office by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) after being deposited in a USPS drop box in the Canandaigua, New York Post Office facility. The application was deposited in the drop box by applicants' undersigned attorney at approximately 11:40 pm on the evening of Friday, June 1, 2001. Since the Canandaigua, New York Post Office facility was closed for the evening, the application was retrieved by the USPS the following morning, and the "Express Mail" mailing label was completed with the "date-in" recorded as June 2, 2001 (the day after the actual deposit in the drop box).

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service on June 1, 2001, and included an Express Mail Certificate which included the label number with the deposited papers, applicants contend that this was the "date of deposit with the USPS". Applicants therefore request that the application be accorded this filing date of June 1, 2001. To determine otherwise would require that the application be accorded the date of processing by the USPS, which would appear to be contrary to the language of section 1.10(a) and the intent of the rule.

For these reasons, applicants and applicants' undersigned attorney petition the Commissioner to accord the subject application the June 1, 2001 filing date.

Respectfully submitted,

December 3, 2001  
Date

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.	
12-3-01	Susan J. Braman
Date	Attorney Reg. No.: 34,103